

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

NO. 03 CV 12307 RGS

JOSEPH CHRISTOFORO)
Plaintiff)
VS.)
JULIO LUPO,)
Defendant)

Opposition to Defendant's Motion to Strike

Now comes the plaintiff, Joseph Christoforo, and respectfully gives notice of his Opposition to the defendant, Julio Lupo's, Motion to Strike the plaintiff's Motion for Summary Judgment.

In support of this Opposition, the plaintiff assigns the following:

1. That the instant matter was delayed due to the plaintiff's appeal of an earlier decision by this Court to the United States Court of Appeals for the First Circuit;
2. That more specifically, both defendants filed for summary judgment; on November 14, 2005, the motion of defendant Cousins was allowed while the motion of defendant Lupo was denied;
3. That the plaintiff timely appealed the grant of defendant Cousins' motion for summary judgment to the First Circuit, where the matter remained under review for several months;
4. That the interests of judicial economy would best be served by denying the defendant's motion to strike because, as argued in the plaintiff's motion for summary judgment, there are no material issues of fact left to be determined;
5. That accordingly, the defendant's motion to strike should be denied.

Respectfully Submitted,
The Plaintiff,
By His Attorney,

/s/ Edward J. McCormick, III

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